

INFORMAL PROBATE

3

Claim Against the Estate

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PBIP3c - 5274



SELF SERVICE CENTER

INFORMAL PROBATE

OBJECTION AND/OR CLAIM AGAINST THE ESTATE

How to assemble these documents

This packet contains general information and/or court forms and instructions about objecting to estate administration, or filing a claim against the estate, whether there was a will or not. Be sure the documents are in the following order:

Order	File Number	Title	No. Pp.
1	PBIP3t	Table of forms/instruction in this packet	1
2	PBIP3k	Checklist for filing a claim against the estate	1
3	PBIP31p	Help on filing an objection	1
4	PBIP31f	<i>“Objection to the Estate Administration”</i>	1
5	PBIP32p	Help on filing claim against estate	1
6	PBIP32f	<i>“Claim Against the Estate”</i>	1

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Forms and Instructions

TRANSFER OF PROPERTY WHEN PERSON DIED INFORMAL PROBATE

CLAIM AGAINST THE ESTATE

Use the forms and instructions in this packet only if the following factors apply to your situation:

- ✓ You received notice about a court case involving the property of a person who died (informal probate)

OR

- ✓ You believe a person who died owes you money, and you want to make a claim against the estate before all the property is transferred to others

AND

- ✓ The person had a will or did not have a will.

READ ME: It is very important for you to know that when you sign a court document, you may be helping or hurting your court case. Before you sign any court document, or get involved with a court case, it is important that you see a lawyer to make sure you are doing the right thing. The Self-Service Center has a list of lawyers who can give you legal advice and can help you on a task-by-task basis for a fee. If you want to know more about our list of lawyers and our list of mediators, ask the Self-Service Center staff.

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INSTRUCTIONS: TO FILE AN OBJECTION AND/OR CLAIM AGAINST THE ESTATE

1. **WHO CAN FILE AN OBJECTION:** Generally, you must have some valid interest in the case to be allowed to file an Objection to some part of an Informal Probate of an estate. If you received copies of the papers relating to the probate from the Personal Representative or his/her attorney, you will probably be allowed to file the objection.
2. **WHEN AN OBJECTION MUST BE FILED:** File the Objection immediately after you get the document or notice that you are objecting to.
3. **WHAT TO SAY IN THE OBJECTION:** Tell the court as simply as you can what you object to, and why. Write neatly, and be sure you give enough detail about what your points are.
4. **CLAIM AGAINST THE ESTATE:** If you are a person to whom the estate owes money, complete a CLAIM AGAINST THE ESTATE, which is included in this packet. File the **original** with the Probate Registrar, at the address listed below. **Mail copies to everyone listed in number 6 below.** You do not need to file an Objection if all you want to do is file a claim against the estate.
5. **ASK FOR A FORMAL HEARING:** If you file the Objection, you must also call or go to court to arrange for a formal hearing to be scheduled, and then you must give **everyone** who is interested in the matter notice about the hearing date, time, and place. Call Probate Court Administration to learn how to do this:

PHOENIX: Probate Court Administration
Old Courthouse, 1st Floor
125 West Washington
Phoenix, AZ 85003-2205
(602) 506-3668

MESA: Probate Court Administration
222 East Javelina Avenue
2nd Floor, Suite 2100
Mesa, AZ 85210-6201
(602) 506-2117

SURPRISE: Court Administration
14264 West Tierra Buena Lane
Surprise, AZ 85374
(602) 372-9402

6. **WHO GETS COPIES OF THE OBJECTION:** Mail or hand-deliver a copy of the Objection at least to the Personal Representative or his/her attorney. You should also mail or hand-deliver copies to everyone else to whom the Personal Representative gave notice of the court matter. Ask the Personal representative for the names and address of these people, or come the clerk's office and look at the copy of the PROOF OF NOTICE filed by the Personal Representative that will have all this information.

Your Name: _____
Address: _____
City, State, ZIP Code: _____
Telephone No: _____
Representing ☐ Self (without a lawyer) or ☐ Attorney for _____

IN THE SUPERIOR COURT OF ARIZONA, MARICOPA COUNTY

In the Matter of the Estate of

PB No: _____

OBJECTION AND REQUEST FOR FORMAL PROCEEDING

☐ an Adult ☐ a Minor, deceased

I want to tell the Court the following in response to what is written in the document or notice I received about the administration of this estate:

1. The name of the document or notice I object to is (name of document here:)
2. My relationship to the person who died, the estate, or the personal representative is: (describe why you are interested in this case):

3. What I want the court to do, and what I want to say about the statements made in the document or notice: (use additional sheets of paper:)
4. Because I object to what is in the document or notice, I am asking the court to set a formal proceeding on this case to listen to my objection.
5. I am mailing a copy of this Objection when it is complete to: the Personal Representative or his/her attorney, and everyone to whom Personal Representative gave notice to, as indicated in the Proof of Notice filed by the Personal Representative with the court.

OATH AND VERIFICATION OF PERSON WHO OBJECTS:

STATE OF ARIZONA)
County of Maricopa) ss

I have read the Objection and these statements are true and correct and complete to the best of my knowledge.

SIGNED: _____

Subscribed and sworn to before me this _____ day of _____, 20____ by _____

NOTARY PUBLIC: _____

MY Commission Expires: _____

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INSTRUCTIONS: HOW TO FILE A CLAIM AGAINST THE ESTATE

1. **WHO CAN FILE A CLAIM:** Generally, you must reasonably believe that the person who died owes you money.
2. **WHEN A CLAIM MUST BE FILED:** You are not required to file a claim against the estate if the Personal Representative has paid you or is making arrangements with you to pay what is owed from the decedent's property. But here is what the law currently provides as to Creditors:
 - All **persons unknown** to the Personal Representative, having claims against the Estate are required to present their claims **within four months** after the date of the **first publication** of the NOTICE TO CREDITORS or the claims will be **forever barred**.
 - All **persons known** to the Personal Representative, having claims against the Estate are required to present their claims **within four months** after receipt of the NOTICE TO CREDITORS by mail or the claims will be **forever barred**.
 - Claims must be presented by **delivering or mailing** a written statement of the claim to the Personal Representative at his or her address; you do **not** need to file the claim in court, unless you want to.
4. **HOW TO FILE A CLAIM AGAINST THE ESTATE WITH THE COURT:** If you are a person to whom the estate owes money, and you want to file the claim with the court, complete a CLAIM AGAINST THE ESTATE, which is included in this packet. File the **original** with the Probate Registrar, at the court location where you filed the Application, which is one of the 2 locations listed below.

PHOENIX: Probate Court Administration
Old Courthouse, 1st Floor
125 West Washington
Phoenix, AZ 85003-2205
(602) 506-3668

MESA: Probate Court Administration
222 East Javelina Avenue
2nd Floor, Suite 2100
Mesa, AZ 85210-6201
(602) 506-2117

SURPRISE: Court Administration
Northwest Court Facility
14264 West Tierra Buena Lane
Surprise, Arizona 85374
(602) 372-9402
5. **CHARGE TO FILE THE CLAIM IN COURT:** You must pay **\$18.00** to file the claim with the court. You do not need to pay anything to mail the claim to the Personal Representative.

Petitioner's Name: _____
Address: _____
City, State, ZIP Code: _____
Telephone No: _____
Representing ☐ Self, without a lawyer or ☐ Attorney for _____

IN THE SUPERIOR COURT OF ARIZONA, MARICOPA COUNTY

In the Matter of the Estate of

PB No: _____

☐ an Adult ☐ a Minor, deceased

CLAIM AGAINST ESTATE

1. My name and address is: _____

2. The Estate is indebted to me in the amount of \$_____.
3. The basis of my claim is: _____

(NOTE: Complete number 4 or 5 only if either apply to your claim.)

4. The claim is not yet due. It will become due on (date) _____
5. The claim is secured by the following property (describe): _____

6. I am mailing a copy of the Claim against Estate to the Personal Representative, if one has been appointed.

DATED this _____ day of _____, 20____

Signature

Print Name